

Waste Reduction Goal Task Force
BRIEFING PAPER
For
Waste Reduction Goal Task Force History

Background:

The Solid Waste Management Act required the Department to promulgate rules to address how to calculate the 25% waste reduction goal. One important aspect in the development of the rules was that the Act directed the Department to prepare these rules because there was no consensus by the Governor's Roundtable (1989-1990) on how to calculate the 25% waste reduction goal. The concept of allowing the diversion of C&D wastes to Class III/IV landfills was endorsed by the Roundtable, but was not recommended to be included specifically in the Act. In February 1993, these rules were presented and adopted by the State Solid Waste Disposal Control Board; and they became effective in September 1993. The Department (through the former Division of Solid Waste Assistance) published guidelines of the 25% waste reduction goal. These guidelines provided procedures to follow when recording and reporting waste reduction and diversion activities.

After the February 1993 Solid Waste Disposal Control Board meeting, the Board established a policy regarding "air curtain" open-pit burners that would allow this activity to be used in the calculation of the 25% waste reduction goal. This was also addressed in the guidelines (noted above).

Act Amendments of 1996 and 1999:

The 1996 amendments to the Act did not address the waste reduction goal. The State Municipal Solid Waste Advisory Committee deferred action on the goal since the deadline was December 31, 1995 and results from the regions were not due until March 1996.

There had been discussion by the Advisory Committee on the goal, but they decided that until information was available (regarding how the regions were achieving the goal) they would defer any action.

After the calendar year 1996 waste reduction information was presented to the State Municipal Solid Waste Advisory Committee in October 1997, the Advisory Committee discussed what direction the Department should take in considering amending standards for calculation of the 25% waste reduction goal since the statewide reduction had dropped but regions in compliance had increased. Dr. Jack Barkenbus was appointed by the committee to chair a task force and consider whether, and in what ways, the 25% waste reduction goal should be modified or revised. The task force met from December 1997 through September 1998 and made four recommendations for legislative changes. [Attachment A-Report from the Solid Waste Reduction Task Force, August 1998]. The recommended changes included changing the base year from 1989 to 1995 and moving the compliance date to June 30, 2003 instead of December 31, 2002; changing the term *waste reduction* goal to *waste reduction and diversion* goal;

making compliance with the waste reduction goal qualitative in those regions not achieving quantitative compliance; banning all forms of yard waste, except grass clippings, from Class I landfills by June 30, 2001 and all landfills including grass clippings by June 30, 2003, and giving regions the option of calculating their waste reduction totals on either a per capita basis or an economic growth basis.

A full listing of recommendations of the 1998 Task Force are as follows:

Reauthorization Recommendations

- (1) Tennessee should maintain its 25% goal. Calculations should be derived, however, from a new base year (1995) and the date for compliance should be moved to June 30, 2003;
- (2) Mention of the **waste reduction** goal in the SWMA should be changed to **waste reduction and diversion** goal.
- (3) Compliance with Tennessee's goal can be achieved **qualitatively**;
- (4) All forms of yard waste except grass clippings should be banned from Class I landfills by June 30, 2001, and all yard waste, including grass clippings, should be banned from all landfills by June 30, 2003;
- (5) Regions should have the option of calculating their waste reduction totals on either a **per capita** basis or an **economic growth** basis;

Administrative Recommendations

- (1) In calculating a region's rate, the Division of Community Assistance (reorganized into the Division of Solid Waste Management) should give credit for documented pre-1995 waste reduction and diversion efforts;
- (2) The Division of Community Assistance should establish a systematic and transparent process for dealing with regions found to be in noncompliance. This process should include the promise of technical assistance;
- (3) The Division of Community Assistance should convene a working group to clearly establish qualitative compliance standards;
- (4) The Division of Community Assistance should seek to produce a statewide (not sub-state) calculation of recycling in Tennessee consistent with the EPA's proposed definition and methodology.

Solid Waste Management Fund Recommendations

- (1) Workshops devoted to fee-based funding for solid waste service and Pay-as-You-Throw collection options should be conducted for public officials and news media in each of Tennessee's Grand Divisions;
- (2) More opportunities for solid waste directors and/or recycling coordinators to meet collectively should be established to focus attention on issues surrounding waste reduction and implementation activities;

- (3) The state needs to utilize information strategically, working to: (a) benchmark and publicize those regions, communities, and industries on the cutting-edge of waste reduction; (b) coordinate industry recognition with the Pollution Prevention arm of the Division of Community Assistance through both an awards program and a "pledge" program; (c) post annual waste reduction implementation numbers for each region and county on the Internet so that information can be accessed by all citizens of Tennessee;
- (4) The state should establish technical assistance and grant programs for the beneficial reuse of yard waste and other source-separated organic materials suitable for processing and reuse;
- (5) The state should re-structure the Innovative Technology Grant Program to promote industrial waste reduction and beneficial reuse of material going to Class III/V landfills.

The State Municipal Solid Waste Advisory Committee based on the task force recommendations took the following actions:

1. Changing the base year to 1995 was rationalized as more realistic than 1989 since that was the first year that scales were in place at all Class I landfills. The 1989 waste numbers were derived by a survey of waste managers across the state, but their accuracy was not validated. When 1989 was established as the base year, 43 counties petitioned the Department for a revision in the 1989 numbers. By granting these petitions, the Department increased the statewide baseline by 12% over the original University of Tennessee Report (February 1991) base line numbers.
2. Changing waste reduction to waste reduction and diversion allowed for the goal to be properly defined as to its intent and purpose.
3. Qualitative assessment of the reduction goal would allow the Department to make a determination in those regions not achieving quantitative compliance, but making a diligent effort toward waste reduction in spite of uncontrollable situations, and key industries that have a significant influence on whether or not the region is achieving its quantitative goals.
4. Yard wastes were not banned.
5. Calculating waste reduction totals on either a per capita basis or an economic growth basis was seen as a big help to those regions experiencing economic growth (with or without population increases) since population does not necessarily account for all waste generation resulting from economic growth.

**Issues:
To Be Determined By Task Force**

Focus Questions:

1. Is the waste reduction goal necessary? If so, should there be incentives for achieving the goal?
2. Does the state need a goal (waste reduction versus recycling)? If so, should this be a statewide goal only (not calculated on a region by region basis)?
3. In focusing on a specific numerical goal overshadowing the larger intent of the Act of having a progressive, integrated solid waste management program (which in itself probably results in high waste reduction and recycling rates)?
4. Does the state's qualitative assessment criterion sufficiently evaluate each MSW planning region's integrated solid waste management program?
5. Should there be a regulatory review board (or procedure) in determining compliance with the Act (not only the waste reduction goal, but also the region's integrated solid waste management programs)? Should there be required enforcement mechanisms as well as assistance to non-complying regions/solid waste districts/counties/cities?